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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

18STCV01773

THE PEOPLE OF THE STATE OF CALIFORNIA,

Case No.:

Plaintiff,

COMPLAINT FOR ABATEMENT AND
INJUNCTION

vs.

SHU-HWA BARAN, individually and as trustee of
The Shu-Hwa Baran Trust Agreement dated May
15, 2002; and
DOES 1 through 50, inclusive,

[Health & Saf. Code section 11570, et
seq.; Civil Code section 3479, et seq.;
Business and Professions Code section
17200, et seq.]

Defendants.

(Unlimited Action)

Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California, for the purpose of abating and enjoining a dangerous, narcotics- and gang-related public nuisance existing at the Barton Hill Hotel, a 14-unit residential hotel located on the second floor of a two-story, mixed-use building at 246 N. Pacific Ave. in the San Pedro neighborhood of Los Angeles (the "Property"). Defendant SHU-HWA BARAN is the owner and operator of both the Property and the Barton Hill Hotel located there. This Action is brought pursuant to the Narcotics Abatement Law ("NAL"), California Health and Safety Code section 11570, et seq.; the Public Nuisance Law ("PNL"), California Civil Code

1 section 3479, *et seq.*; and the Unfair Competition Law ("UCL"), California Business and
2 Professions Code section 17200, *et seq.* Due to the nature of the nuisance, and the
3 ongoing threat to the health, welfare, and safety of the community where the Property is
4 located, Plaintiff requests that the Court give this Action precedence pursuant to Health and
5 Safety Code section 11575, and immediately set the case for trial. Plaintiff further requests
6 that the Court issue an Order of Abatement that (i) provides for the effectual closing of the
7 Barton Hill Hotel pursuant to Health and Safety Code section 11581, subdivision (b)(1),
8 and/or (ii) requires Defendant SHU-HWA BARAN to reside in the Barton Hill Hotel until the
9 nuisance is abated, in accordance with Health and Safety Code section 11573.5,
10 subdivision (f)(1)(H).

11 2. The Barton Hill Hotel is currently serving as a base of operations for a violent
12 criminal street gang known as Rancho San Pedro ("RSP"), and is a haven for drug- and
13 gang-related crime. Shortly before the filing of this Action, the Los Angeles Police
14 Department ("LAPD") arrested the hotel's on-site manager, a documented RSP gang
15 member named Claudia "Shorty" Ruiz, who sells methamphetamine and heroin out of her
16 unit. She is the *fourth* on-site manager—all of them documented RSP gang members—to
17 be arrested for narcotics or weapons-related offenses at the Property in recent years.
18 Plaintiff is informed and believes, and thereon alleges, that "Shorty" has been released
19 from custody and continues to manage the hotel to this day. While executing the search
20 warrant that led to "Shorty's" arrest, officers recovered approximately 240 grams of
21 methamphetamine, and approximately 19 grams of heroin, *from the manager's unit*. They
22 also discovered that "Shorty" is permitting documented RSP gang members to reside in
23 three supposedly "vacant" units. Additionally, LAPD broke down the door of another
24 "vacant" unit, which was padlocked from the outside, and found a woman trapped inside.
25 Among the tenants living in the midst of all this criminal activity was a woman and her infant
26 child, who waited outside while LAPD executed the search warrant.

27 3. Each time an on-site manager is taken into custody, another RSP gang
28 member takes over management of the Barton Hill Hotel. Thus, the hotel is managed on a

1 day-to-day basis by RSP gang members, including the current on-site manager and three
2 who have come before her, who use it in furtherance of their criminal enterprise. RSP gang
3 members are regularly arrested at the Property for a variety of nuisance crimes, including
4 narcotics sales, illegal possession of firearms, and assault with deadly weapons, among
5 others. In particular, LAPD has made repeated arrests at the Property for the illegal sale of
6 narcotics, including in March, June, and October of 2018. The interior of the Property is
7 covered in RSP graffiti, sending a clear message to all who enter that the hotel is RSP
8 "turf." Recently, a documented gang member—the on-site manager's boyfriend—has been
9 intimidating and threatening the Barton Hill Hotel's tenants by roaming the hall with a gun in
10 his waistband. Below are pictures of some of the RSP graffiti at the hotel.



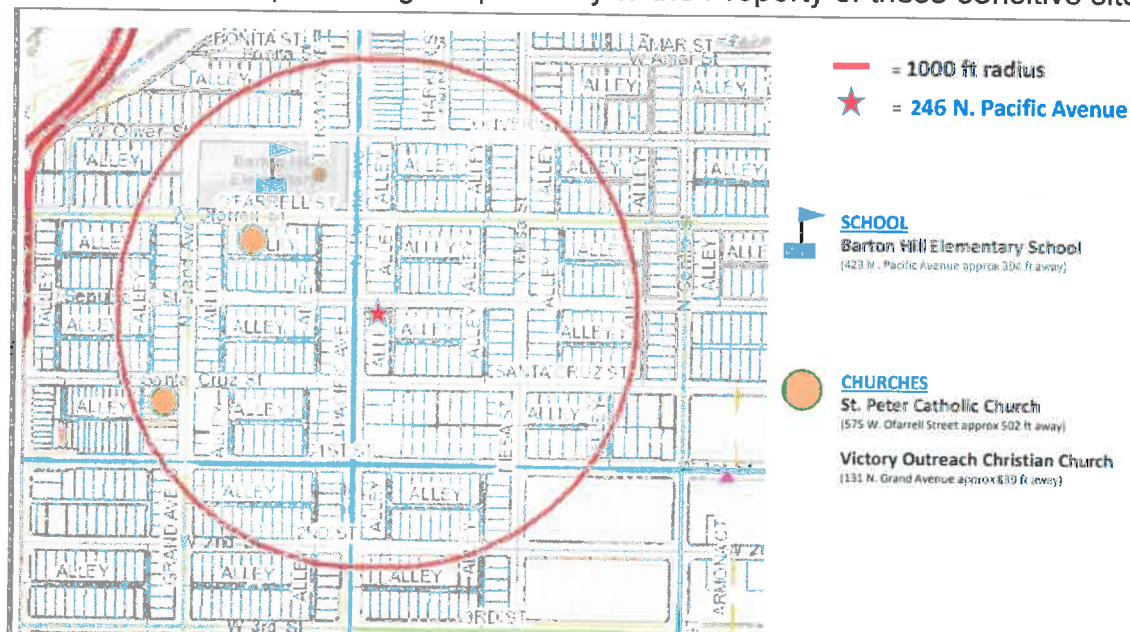
4. The nuisance activity at the Property pre-dates Claudia "Shorty" Ruiz, the current manager. Indeed, LAPD has arrested at least *three prior* on-site managers at the Barton Hill Hotel since September 2016:

- September 15, 2016: LAPD executed a search warrant at the hotel and arrested an on-site manager named Robert "Bugzy" Burruel, who is a documented RSP gang member. "Bugzy" was in possession of a plastic bindle containing heroin, and officers recovered a handgun and live ammunition from his unit. Officers also recovered three shotguns, a rifle, and paraphernalia associated with the sale of narcotics, including two digital scales, plastic baggies, and hypodermic needles, from other units inside the hotel.
- December 1, 2016: LAPD executed a search warrant at the hotel and arrested an on-site manager named Jimmy "Wolf Cat" Flores, a documented RSP gang member. Officers recovered methamphetamine on the floor of "Wolf Cat's" unit, within arm's reach of where he was taken into custody.
- March 29, 2018: Officers arrested an on-site manager named William "Bill" Magill, another documented RSP gang member, after they observed him engaged in a hand-to-hand narcotics transaction inside the hotel. At the time of his arrest, he was carrying methamphetamine, black tar heroin, and a loaded, semi-automatic .380 caliber handgun in his pockets. Officers further recovered a rifle from inside his unit.

5. The recent illegal activity at the Barton Hill Hotel is just the latest in a litany of documented crimes stretching back to at least 1997, which is when LAPD began maintaining electronic records of crime reports. In that time, according to LAPD records, at least 218 crime reports, arrest reports, and other related reports have been tied to the Property. Defendant SHU-HWA BARAN has owned the Property during this entire period. The level of criminal activity at the Property has fluctuated over time, but it has increased in intensity as of late. In the last couple of years, LAPD investigations at the Property have resulted in numerous arrests and the recovery of at least eight guns, dozens of rounds of ammunition, heroin, methamphetamine, and assorted paraphernalia associated with the sale of narcotics.

6. To date, Defendant SHU-HWA BARAN has refused to implement sufficient remedial measures at the Property, despite Plaintiff's efforts to obtain her voluntary cooperation. On May 4, 2018, the Los Angeles City Attorney's Office sent a letter to BARAN, putting her on notice of the nuisance criminal activity at the Property. Following BARAN's receipt of the letter, personnel from the City Attorney's Office corresponded with BARAN and her son via phone and email, on multiple occasions, to urge her to implement best practices in managing the Property to deter further crime. While corresponding with Defendant BARAN and her son, the City Attorney's Office requested that Defendant BARAN take specific steps to abate the nuisance, and also made multiple offers and requests to meet in person. BARAN did not respond to these repeated offers, and as a result no meeting took place. Following these attempts to obtain Defendant BARAN's cooperation, criminal nuisance activity at the Property has continued, unabated. This activity will continue until and unless Defendant SHU-HWA BARAN, the owner and operator of the Property and the Barton Hill Hotel, takes affirmative steps to prevent it.

7. The Property is one block—less than 400 feet—away from Barton Hill Elementary School, attended by more than 600 students in grades K-6. It is also within 1000 feet of two churches, St. Peter Catholic Church and Victory Outreach Christian Church. Below is a map showing the proximity to the Property of these sensitive sites.



1 8. The People bring this Action to protect the health and safety of the community
2 surrounding the Property and to obtain an injunction requiring Defendant to exercise
3 reasonable care to prevent the public nuisance at the Property.

4 **II. THE PARTIES AND THE PROPERTY**

5 **A. Plaintiff**

6 9. Plaintiff, the People, is the sovereign power of the State of California
7 designated in Health and Safety Code section 11571 and Code of Civil Procedure section
8 731 to be the complaining party in actions brought to abate, enjoin, and penalize narcotics
9 nuisances and public nuisances, respectively. Further, the City of Los Angeles has a
10 population in excess of 750,000, and as such, Business and Professions Code section
11 17204 authorizes Plaintiff, the People, to prosecute actions for relief under California
12 Business and Professions Code section 17200, *et seq.* for unfair competition.

13 **B. The Defendants**

14 10. Defendant SHU-HWA BARAN first acquired an interest in the Property in or
15 around 1989, when she acquired it with her husband, Randall L. Baran. In or around 1992,
16 the Property was transferred to Defendant BARAN as her separate property. On or about
17 April 11, 2014, BARAN executed a trust quitclaim deed, transferring the Property to herself
18 as Trustee of the Shu-Hwa Baran Trust Agreement dated May 15, 2002. Thus, BARAN has
19 owned the Property, either with her husband, individually, or in her capacity as trustee,
20 since 1989.

21 11. Plaintiff is informed and believes, and thereon alleges, that Defendant SHU-
22 HWA BARAN has also owned and operated the Barton Hill Hotel at the Property from 1989
23 through the present.

24 12. In 2014, a qui tam action was filed against Defendant BARAN for her alleged
25 "wrongful and illegal conduct associated with the rental of property pursuant to Section 8
26 Tenant Based Housing Choice Voucher Program ('Section 8 Program')." BARAN had
27 allegedly been demanding and collecting extra rent from tenants at another property that
28 she owns in San Pedro. On September 8, 2015, the court entered a default judgment

1 against Defendant BARAN in that action, awarding the United States Government
2 \$517,000.00 in civil penalties and \$91,407.00 in damages. The case later settled on
3 appeal.

4 13. The true names and capacities of Defendants sued herein as DOES 1
5 through 50, inclusive, are unknown to Plaintiff, who therefore sues said Defendants by such
6 fictitious names. When the true names and capacities of said Defendants have been
7 ascertained, Plaintiff will ask leave of the Court to amend this Complaint and to insert in lieu
8 of such fictitious names the true names and capacities of said fictitiously named
9 Defendants.

10 **C. The Property**

11 14. The Property consists of a two-story, mixed-use building located at the
12 commonly-known address of 246 N. Pacific Ave., San Pedro, CA 90731, on the corner of
13 Pacific Ave. and Sepulveda Blvd. The second floor of the building contains a residential
14 hotel known as the Barton Hill Hotel. The first floor of the building consists of two
15 commercial units, one of which appears to be vacant. The occupied first floor unit contains
16 a convenience store doing business as "Hyun Market," although the sign in front of the
17 business indicates that its name is "Jalisco Carniceria." Plaintiff is informed and believes,
18 and thereon alleges, that Defendant SHU-HWA BARAN leases this commercial space to a
19 third party, and is not involved in the operation of the convenience store.

20 15. The Property's legal description is "Lot 28 in Block 1 of the Palos Verdes
21 Tract, in the City of Los Angeles County of Los Angeles, State of California, as per map
22 recorded in Book 70, Page 72 of Miscellaneous Records, in the office of the County
23 Recorder of said County," with Assessor's Parcel Number 7449-021-028.

24 **III. THE NARCOTICS ABATEMENT LAW**

25 16. Since its enactment in 1972, the principal purpose of the NAL, Health and
26 Safety Code section 11570, *et seq.*, has been the abatement of buildings and places "used
27 for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving
28 away any controlled substance, precursor, or analog specified in this division" (Health

1 & Saf. Code, § 11570.)

2 17. The NAL provides that every building or place used for such a purpose, and
3 every building or place where such acts take place, "is a nuisance which *shall be* enjoined,
4 abated, and prevented, . . . whether it is a public or private nuisance." (Health & Saf. Code,
5 § 11570, italics added; *Lew v. Superior Court* (1993) 20 Cal.App.4th 866, 871 ["The
6 Legislature has resolved any doubt as to the question of whether a so-called 'drug house' is
7 a nuisance through the enactment of section 11570 of the Health and Safety Code"].)

8 18. Health and Safety Code section 11571 authorizes a city attorney to bring an
9 action to abate, prevent, and perpetually enjoin such nuisances. It provides, in pertinent
10 part, "If there is reason to believe that a nuisance, as described in Section 11570, is kept,
11 maintained, or exists in any county, . . . the city attorney of any incorporated city or of any
12 city and county, in the name of the people, may . . . maintain an action to abate and prevent
13 the nuisance and to perpetually enjoin the person conducting or maintaining it, and the
14 owner, lessee, or agent of the building or place in or upon which the nuisance exists from
15 directly or indirectly maintaining or permitting the nuisance." (*Ibid.*)

16 19. Health and Safety Code section 11573, subdivision (a) provides, "If the
17 existence of the nuisance is shown in the action to the satisfaction of the court or judge,
18 either by verified complaint or affidavit, the court or judge *shall allow* a temporary
19 restraining order or injunction to abate and prevent the continuance or recurrence of the
20 nuisance." (Italics added.) In addition, Health and Safety Code section 11581, subdivisions
21 (a) and (b) provide, as additional remedies, for the removal and sale of all fixtures and
22 movable property on the premises used in aiding or abetting the nuisance, and for the
23 closure of the building for a period of one year.

24 IV. THE PUBLIC NUISANCE LAW

25 20. "Abatement of nuisances is a long established and well recognized exercise
26 of the state's police power." (*People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556,
27 563; *People ex rel. Bradford v. Barbieri* (1917) 33 Cal.App. 770, 775-778.) Civil Code
28 section 3479 defines a nuisance as "[a]nything which is injurious to health, including, but

1 not limited to, the illegal sale of controlled substances, or is indecent or offensive to the
2 senses, or an obstruction to the free use of property, so as to interfere with the comfortable
3 enjoyment of life or property” (*Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 [“The
4 Legislature has defined in general terms the word ‘nuisance’ in Civil Code section 3479
5 . . .”].)

6 21. “A public nuisance is one which affects at the same time an entire community
7 or neighborhood, or any considerable number of persons, although the extent of the
8 annoyance or damage inflicted upon individuals may be unequal.” (Civil Code, § 3480.)

9 22. In particular, drug dealing, loitering, consumption of alcohol and illegal drugs,
10 and boisterous conduct which creates a hooligan-like “atmosphere” constitute a public
11 nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

12 23. Under Civil Code section 3491, “The remedies against a public nuisance are:
13 1. Indictment or information; 2. A civil action; or, 3. Abatement.” “An abatement of a
14 nuisance is accomplished by a court of equity by means of an injunction proper and
15 suitable to the facts of each case. [Citation.]” (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

16 24. Code of Civil Procedure section 731 authorizes a city attorney to bring an
17 action to enjoin or abate a public nuisance. It provides, in pertinent part, “A civil action may
18 be brought in the name of the people of the State of California to abate a public nuisance
19 . . . by the city attorney of any town or city in which the nuisance exists.” (*Ibid.*)

20 V. UNFAIR COMPETITION LAW

21 25. The UCL, at Business and Professions Code section 17200 *et seq.*, forbids
22 any business practices otherwise forbidden by law, be it criminal, federal, state, municipal,
23 statutory, regulatory, or court-made. As the California Supreme Court has explained, the
24 UCL “ ‘borrows’ violations of other laws and treats them as unlawful practices
25 independently actionable under section 17200 *et seq.*” ’ (*Hewlett v. Squaw Valley Ski*
26 *Corp.* [(1997)] 54 Cal. App. 4th [499,] 531-532, citing *Saunders v. Superior Court* [(1994)]
27 27 Cal. App. 4th [832,] 838-839[.]” (*South Bay Chevrolet v. General Motors Acceptance*
28 *Corp.* (1999) 72 Cal.App.4th 861, 880.)

1 26. As proscribed by the UCL, "[a]n 'unlawful business activity' includes
2 ' "anything that can properly be called a business practice and that at the same time is
3 forbidden by law." ' [Citation.]" (*People v. McKale* (1979) 25 Cal.3d 626, 632.) For example,
4 an enterprise engaged entirely in criminal conduct such as the manufacture of illegal drugs
5 or obscene matter is a business activity for purposes of section 17200. (*People v.*
6 *E.W.A.P., Inc.* (1980) 106 Cal.App.3d 315, 320-321.) Additionally, the ownership and
7 operation of a hotel or motel is a business activity. (See *Clark v. San Pablo* (1969) 270
8 Cal.App.2d 121, 126.) When a property owner conducts, maintains, or permits a nuisance
9 that is unlawful under the PNL and/or NAL to exist on the premises of such a business, it is
10 a violation of the UCL. (See *City and County of San Francisco v. Sainez* (2000) 77
11 Cal.App.4th 1302, 1305-1308.)

12 27. Moreover, the UCL casts a broad net. "Any person who engages, has
13 engaged, or proposes to engage in unfair competition may be enjoined in any court of
14 competent jurisdiction." (Bus. & Prof. Code, § 17203.) The term "person" includes "natural
15 persons, corporations, firms, partnerships, joint stock companies, associations and other
16 organizations of persons." (Bus. & Prof. Code, § 17201.) Liability under section 17200 may
17 be imposed where the evidence establishes the defendant's participation in the unlawful
18 practice, "either directly or by aiding and abetting the principal." (*People v. Toomey* (1984)
19 157 Cal.App.3d 1, 15.) Further, a managing officer "with control over the operation of the
20 business is personally responsible for acts of subordinates done in the normal course of
21 business." (*Ibid.*)

22 28. Civil actions under the UCL may be brought in the name of the People of the
23 State of California by any city attorney of a city having a population in excess of 750,000
24 (Bus. & Prof. Code, § 17204), such as the City of Los Angeles. A public entity can sue
25 pursuant to section 17200 based on violations of its own municipal code or other local
26 ordinance. (See, e.g., *People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2 Cal.App.4th
27 330, 338-339.)

28 29. Defendants engaging in violations of the UCL may be enjoined in any court of

competent jurisdiction. (Bus. & Prof. Code, § 17203.) A court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the use or employment by any person of any practice constituting unfair competition. (*Ibid.*)

VI. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT

[Health & Safety Code section 11570, *et seq.* --

Against All Defendants and DOES 1 through 50]

30. Plaintiff incorporates by reference Paragraphs 1 through 29 of this Complaint and makes them part of this First Cause of Action as though fully set forth herein.

31. For many years, and continuing through the present, the Property has been used, and is currently being used, for the purposes of unlawfully selling, serving, storing, keeping, manufacturing, and/or giving away controlled substances in violation of Health and Safety Code section 11570, *et seq.*, as demonstrated by multiple narcotics-related arrests at the Property and evidence recovered through the execution of multiple search warrants at the Property. Further, the Property has a reputation in the community as a place where narcotics are bought and sold.

32. Defendant SHU-HWA BARAN, and DOES 1 through 50, are responsible for conducting, maintaining, and/or directly or indirectly permitting the nuisance as alleged herein. Plaintiff has no plain, speedy, and adequate remedy at law, and unless Defendant and DOES 1 through 50 are restrained and enjoined by order of this Court, they will continue to use, occupy, and maintain, and/or to aid, abet, or permit, directly or indirectly, the use, occupation, and maintenance of the Property, together with the fixtures and appurtenances located therein, for the nuisance complained of herein, to the great and irreparable damage of Plaintiff and in violation of California law.

VII. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE

[Civil Code Section 3479, *et seq.* --

Against All Defendants and DOES 1 through 50]

33. Plaintiff incorporates by reference Paragraphs 1 through 32 of this Complaint and makes them part of this Second Cause of Action as though fully set forth herein.

1 34. For many years, and continuing through the present, Defendant SHU-HWA
2 BARAN and DOES 1 through 50 have owned, operated, managed, and used the Property,
3 and/or directly or indirectly permitted the Property to be occupied and used, in such a
4 manner as to constitute a public nuisance in accordance with Civil Code sections 3479 and
5 3480. The public nuisance, as described herein, is injurious to health, indecent or offensive
6 to the senses, and/or an obstruction to the free use of property, so as to substantially and
7 unreasonably interfere with the comfortable enjoyment of life or property by those persons
8 living on the Property and in the surrounding community. The public nuisance consists of,
9 but is not limited to, narcotics activity on the Property; the regular, menacing, intimidating,
10 violent, and disorderly presence of resident and non-resident gang members and/or their
11 associates at the Property; and the occurrence of violent crimes on the Property.

12 35. Defendant SHU-HWA BARAN, who owns and/or controls the Property, and
13 DOES 1 through 50, knew or should have known about the nuisance activity at the
14 Property and failed to take reasonable steps to prevent or abate the ongoing nuisance, and
15 as a result of this failure and their mismanagement of the Property, they have caused
16 and/or contributed to a serious threat to the general health, safety, and welfare of the law-
17 abiding tenants at the Property and persons in the surrounding community.

18 36. Unless Defendant, and DOES 1 through 50, are restrained and enjoined by
19 order of this Court, they will continue to use, occupy, and maintain, and to aid, abet, or
20 permit, directly or indirectly, the use, occupation, and maintenance of the Property, together
21 with the fixtures and appurtenances located therein, for the purpose complained of herein,
22 to the great and irreparable damage of Plaintiff and in violation of California law.

23 **VIII. THIRD CAUSE OF ACTION FOR UNFAIR COMPETITION**

24 **[Business and Professions Code Section 17200, et seq. --**

25 **Against All Defendants and DOES 1 through 50]**

26 37. Plaintiff incorporates by reference Paragraphs 1 through 36 of this Complaint
27 and makes them part of this Third Cause of Action as though fully set forth herein.

28 38. Ownership and operation of a residential hotel, such as the Barton Hill Hotel,

1 is a business. Further, the illegal sale of narcotics is a business. When the owner or
2 operator of such a business violates the NAL and/or the PNL such that a nuisance exists
3 and flourishes at the business's premises, as alleged herein, it is also a violation of the
4 UCL.

5 39. Defendant SHU-HWA BARAN and DOES 1 through 50 have violated the UCL
6 by conducting, maintaining, and/or permitting, directly or indirectly, a nuisance in violation
7 of the NAL and the PNL at the Property, as alleged herein.

8 40. Plaintiff has no adequate remedy at law, and unless Defendant and DOES 1
9 through 50 are restrained by this Court they will continue to commit unlawful business
10 practices or acts, thereby causing irreparable injury and harm to the public's welfare.

11 **PRAYER**

12 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
13 **DECREE AS FOLLOWS:**

14 **AS TO THE FIRST CAUSE OF ACTION**

15 1. That Defendant, DOES 1 through 50, and the Property, be declared in
16 violation of California Health and Safety Code section 11570, *et seq.*

17 2. That the Court, pursuant to Health and Safety Code section 11575, give this
18 Action precedence over all other actions, except criminal proceedings, election contests,
19 hearings on injunctions, and actions to forfeit vehicles, and immediately set the case for
20 trial.

21 3. That the Court order Defendant SHU-HWA BARAN to reside in the Property
22 until the nuisance is abated, in accordance with Health and Safety Code section 11573.5.

23 4. That the Property, together with the fixtures and moveable property therein
24 and thereon, be found to constitute a public nuisance and be permanently abated as such
25 in accordance with section 11581 of the Health and Safety Code.

26 5. That the Court grant a preliminary and/or permanent injunction and order of
27 abatement in accordance with section 11570, *et seq.* of the California Health and Safety
28 Code, enjoining and restraining each Defendant and their agents, officers, employees, and

1 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping,
2 manufacturing, or giving away controlled substances on the Property.

3 6. That the Court order physical and managerial improvements to the Property
4 in accordance with Health and Safety Code section 11573.5 including, but not limited to,
5 the following: an electronic access control system; an internet-connected video monitoring
6 system accessible by LAPD; improved lighting; improved screening of tenants; the
7 presence of armed, licensed security guards at the Property 24 hours per day, 7 days per
8 week; and such other orders as are appropriate to remedy the nuisance on the Property
9 and enhance the abatement process.

10 7. That as part of the Judgment, an Order of Abatement be issued, and that the
11 Property be closed for a period of one year, not to be used for any purpose, and be under
12 the control and custody of this Court for said period of time; or, in the alternative, if the
13 Court deems such closure to be unduly harmful to the community, that Defendant, and
14 DOES 1 through 50, pay an amount of damages equal to the fair market rental value of the
15 Property for one year to the City and/or County in whose jurisdiction the nuisance is located
16 in accordance with Health and Safety Code section 11581, subdivision (c)(1).

17 8. That Defendants be assessed a civil penalty in an amount not to exceed
18 \$25,000.00 each.

19 9. That all fixtures and moveable property used in conducting, maintaining,
20 aiding, or abetting the nuisance at the Property be removed and sold in the manner
21 provided for the sale of chattels under execution. Said fixtures and property shall be
22 inventoried and a list prepared and filed with this Court.

23 10. That there shall be excepted from said sale, such property to which title is
24 established in some third party not a defendant, nor agent, officer, employee, or servant of
25 any defendant in this proceeding.

26 11. That the proceeds from said sale be deposited with this Court for payment of
27 the fees and costs of sale. Such costs may occur in closing said Property and keeping it
28 closed, removal of said property, and Plaintiff's costs in the Action, including attorneys'

1 fees, and such other costs as the Court shall deem proper.

2 12. That if the proceeds of the sale do not fully discharge all such costs, fees, and
3 allowances, the Property shall also be sold under execution issued upon the order of the
4 Court or judge and the proceeds of such sale shall be applied in a like manner. That any
5 excess monies remaining after payment of approved costs shall be delivered to the owner
6 of said Property. Ownership shall be established to the satisfaction of this Court.

7 13. That Defendant, DOES 1 through 50, and any agents, trustees, officers,
8 employees, and anyone acting on their behalf, and their heirs and assignees, be
9 perpetually enjoined from transferring, conveying, or encumbering any portion of the
10 Property, for consideration or otherwise, without first obtaining the Court's prior approval.

11 14. That Defendant, and DOES 1 through 50, be ordered to immediately notify
12 any transferees, purchasers, commercial lessees, or other successors in interest to the
13 subject Property of the existence and application of this lawsuit, any temporary restraining
14 order, and any preliminary or permanent injunction, *before* entering into any agreement to
15 sell, lease, or transfer, for consideration or otherwise, all or any portion of the Property that
16 is the subject of this Action.

17 15. That Defendant, and DOES 1 through 50, be ordered to immediately give a
18 complete, legible copy of any temporary restraining order, and any preliminary or
19 permanent injunctions, to all prospective transferees, purchasers, lessees, or other
20 successors in interest to the Property.

21 16. That Defendant, and DOES 1 through 50, be ordered to advise the City
22 Attorney's Office in writing, c/o Deputy City Attorney Drew A. Robertson or her designee, of
23 any prospective transferees, purchasers, lessees, or other successors in interest to the
24 subject Property at least 30 days prior to the close of escrow.

25 17. That Defendant, and DOES 1 through 50, be ordered to immediately request
26 and procure signatures from all prospective transferees, purchasers, lessees, or other
27 successors in interest to the subject Property, prior to the close of escrow, which
28 acknowledges his/her/its respective receipt of a complete, legible copy of any temporary

1 restraining order, and any preliminary or permanent injunction, and immediately deliver a
2 copy of such acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City
3 Attorney Drew A. Robertson or her designee.

4 18. That Plaintiff recover the costs of this Action, including law enforcement
5 investigative costs and any fees, including all attorneys' fees authorized by law, from
6 Defendant and DOES 1 through 50.

7 AS TO THE SECOND CAUSE OF ACTION

8 1. That the Property, together with the fixtures and moveable property therein
9 and thereon, be declared a public nuisance and be permanently abated as such in
10 accordance with Civil Code section 3491.

11 2. That each Defendant and their agents, officers, employees and anyone acting
12 on their behalf, and their heirs and assignees, be preliminarily and perpetually enjoined
13 from operating, conducting, using, occupying, or in any way permitting the use of the
14 Property as a public nuisance. Such orders should include physical and managerial
15 improvements to the Property, including but not limited to: an electronic access control
16 system; an internet-connected video monitoring system accessible by LAPD; improved
17 lighting; improved screening of tenants; the presence of armed, licensed security guards at
18 the Property 24 hours per day, 7 days per week; and such other orders as are appropriate
19 to remedy the nuisance on the Property and enhance the abatement process.

20 3. That Plaintiff be awarded such costs as may occur in abating said nuisance at
21 the Property and such other costs as the Court shall deem just and proper.

22 4. That Plaintiff be granted such other and further relief as the Court deems just
23 and proper, including closure and/or demolition of the Property.

24 AS TO THE THIRD CAUSE OF ACTION

25 1. That each Defendant be declared in violation of Business and Professions
26 Code section 17200, *et seq.*

27 2. That each Defendant, as well as their agents, heirs, successors, and anyone
28 acting on their behalf, be permanently enjoined from maintaining, operating, or permitting

1 any unlawful or unfair business acts or practices in violation of Business and Professions
2 Code section 17200, *et seq.*

3 3. That the Court grant a preliminary and/or permanent injunction prohibiting
4 each Defendant, as well as their agents, heirs, successors, and anyone acting on their
5 behalf, from engaging in the unlawful or unfair acts and/or practices described herein at the
6 Property and in the City of Los Angeles. Such orders should include physical and
7 managerial improvements to the Property.

8 4. That, pursuant to Business and Professions Code section 17206, each
9 Defendant be assessed a civil penalty of \$2,500 for each and every act of unfair
10 competition. Since each Defendant has engaged in a continuing nuisance, each day
11 constitutes an act of unfair competition and Defendant should be assessed a civil penalty
12 not to exceed \$3.65 million dollars.

13 5. That, pursuant to the Court's equitable power and Business and Professions
14 Code section 17203, the Court make such orders or judgments, including appointment of a
15 receiver, as may be necessary to prevent the use or employment by Defendants of any
16 practice which constitutes unfair competition.

17 AS TO ALL CAUSES OF ACTION

18 1. That Plaintiff recover the amount of the filing fees and the amount of the fee
19 for the service of process or notices which would have been paid but for Government Code
20 section 6103, designating it as such. The fees may, at the Court's discretion, include the
21 amount of the fees for certifying and preparing transcripts.

22 2. That Plaintiff be granted such other and further relief as the Court deems just
23 and proper.

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1 DATED: October 22, 2018

Respectfully submitted,

3 MICHAEL N. FEUER, City Attorney
4 JONATHAN CRISTALL, Assistant City Attorney
5 LIORA FORMAN-ECHOLS, Asst. Superv. Deputy
6 City Attorney

7 By:

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9 DREW A. ROBERTSON, Deputy City Attorney,
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11 STATE OF CALIFORNIA
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